IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1472 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No. : NO

2. To be referred to the Reporter or not? No. :

3. Whether Their Lordships wish to see the fair copy of the judgement? No. : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No. : NO

5. Whether it is to be circulated to the Civil Judge? No. : NO

ALARAKHABHAI HASAMBHAI

Versus

BHOJABHAI BADHABHAI BHARVAD

Appearance:

MR RR TRIVEDI for Petitioner

DS AFF.NOT FILED (R) for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 04/10/2000

ORAL JUDGEMENT

This is an application for transferring Motor Accident Claim Petition No. 853 of 1989 pending before the Motor Accident Claims Tribunal, Ahmedabad (Rural) to the Motor Accident Claims Tribunal, (Auxilary) Gondal on the ground of convenience of the parties.

The notice of rule has been issued to the respondents and an affidavit with regard to servie of notice of Rule has been filed has been filed today in the Court. But the respondents have not filed any reply to rebut the assertions made in this application.

The provisions of Section 166 (2) of the Motor Vehicles Act give liberty to the claimant to get his claim decided by Motor Accident Claims Tribunal in which jurisdiction he is residing or carrying on business. Therefore, it would be just and proper in the facts and circumstances of the case and for the convenience of the parties to transfer Motor Accident Claim Petition No. 853 of 1989 pending in the Motor Accident Claims Tribunal, Ahmedabad (Rural) to the Motor Accident Claims Tribunal, Godnal (Aux.)

Accordingly, this application is allowed and Motor Accident Claim Petition No. 853 of 1989 pending before the Motor Accident Claims Tribunal, Ahmedabad (Rural) is ordered to be transferred to the Motor Accident Claims Tribunal, Gondal (Auxilary) for disposal in accordance with law. Rule is made absolute, with no order as to costs.

Date:-4-10-2000. (Kundan Singh, J.)

JVSatwara/